

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION**

DERRICK DARNELL PAYNE

PLAINTIFF

V.

No. 3:07CV3-P-D

SHERIFF KENNY DICKERSON, et al.

DEFENDANTS

**ORDER APPROVING AND ADOPTING
REPORT AND RECOMMENDATION**

This matter comes before the court on the motions by the plaintiff and defendants for summary judgment. As set forth in 28 U.S.C. §636(b)(1)(B), the court has considered the motions, the record in this case, the Magistrate Judge's Report and Recommendation, and the objections to it. The court holds that the Report and Recommendation should be approved and adopted as the opinion of the Court. It is, therefore **ORDERED**:

1. That the Report and Recommendation of the United States Magistrate Judge dated March 26, 2008, is hereby **APPROVED AND ADOPTED** as the findings of fact and conclusions of law of the court.

2. That plaintiff's motion for summary judgment is **DENIED**.

3. That the plaintiff's claims against the Marshall County Sheriff's Department are hereby **DISMISSED** with prejudice.

4. That the defendants' motion for summary judgment is **GRANTED** as to all defendants regarding the § 1983 false arrest claims.

5. That the defendants' motion for summary judgment is **DENIED** regarding the claim for excessive use of force by the defendant Preciado.

6. That the defendants' motion for summary judgment is **GRANTED** as to Sheriff

Dickerson and the Marshall County Sheriff's Department on the excessive force claims .

7. That the defendants' motion for summary judgment is **GRANTED** as to all defendants on all claims relating to the violation of the Extradition Clause and statutes.

8. That the defendants' motion for summary judgment **DENIED** as to Sheriff Dickerson on the malicious prosecution/coercive interrogation claims.

9. That the defendants' motion for summary judgment is **GRANTED** pursuant to the Mississippi Torts Claim Act on the state law false arrest/false imprisonment claim. It is, however, **DENIED** as to the Mississippi Tort Claims Act on the excessive use of force and malicious prosecution/coercive interrogation claims.

SO ORDERED, this, 10th day of April, 2008.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE